

REMARKS

Claims 1-42 were pending in the present application. Claims 19, 23, and 24 have been canceled. Claims 1, 2, 3, 5, 10, 12, 17, 18, 20, 22, 25, 26, 27, 29, 34, 36, 41, and 42 have been amended by this Amendment.

Claim Rejections - 35 USC §§ 102, 103

Claims 1-17, 19, 22, 23, and 25-42 were rejected under 35 U.S.C. 102(a) as being anticipated by Yoseloff (6311976). Claims 18, 20, 21, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff in view of Duhamel (6416406). The applicant respectfully disagrees with the rejections on the basis that fundamental claim features are missing from Yoseloff and Duhamel, taken separately or in combination. Some of the more notable missing claim features are addressed below.

a. Claims 1-18 and 25-42

By way of background, a major limitation inherent in the design of conventional gaming machines is that a wager generally purchases a single play of a game. The machine generates a random event for the purchased play and provides an award to the player for a winning outcome of the random event. On infrequent occasions, the random event for a purchased play may trigger a bonus game. The static nature of the gaming experience can cause boredom and frustration among players and deter new players from being attracted to a game.

In an effort to make the gaming experience more dynamic, some conventional gaming machines have attempted to introduce an accumulation feature that accumulates one or more elements of the game over multiple plays. Although such accumulation-type games are generally entertaining, the gaming machines with the accumulation-type games suffer from such shortcomings as infrequent redemption of the accumulated element and pressure from vulturing bystanders hovering around those machines in a more attractive state of accumulation.

Turning now to the rejections, **Yoseloff and Duhamel are merely representative of the above-noted prior art.** To overcome the problems of such prior art, claims 1-18 and 25-42 require the following combination of features:

- *receiving a single wager from a player to purchase a series of plays of a basic portion of the game;*
- *in response to the single wager, providing the player with the series of plays;*

- randomly generating at least one outcome for each play; and
- providing an accumulation feature that accumulates an element of the game over a plurality of the plays in the series

Thus, a single wager purchases a series of plays of a basic game. The series of plays are provided in response to the single wager. Yoseloff and Duhamel are entirely devoid of any disclosure or suggestion of this “block wagering” invention.

The Office Action relies upon certain sections (col. 7:37-50 and col. 14:13-37) of Yoseloff as allegedly disclosing the applicant’s block wagering invention. The applicant, however, respectfully submits that the cited sections disclose nothing whatsoever about block wagering and that any conclusion to the contrary is based on a misinterpretation of Yoseloff and/or improper hindsight using the applicant’s own teachings. Among other things, the cited sections of Yoseloff disclose the following:

A method of playing a video wagering game comprises a player placing a wager on a first reel-slot-type video game and; displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position. Upon the occurrence of a predetermined triggering event, awarding at least one type of non-monetary credit (or a temporary/artificial credit having no immediately redeemable cash or prize value) to the player; 1) at the conclusion of the first game, 2) at the conclusion of a number of first games, 3) upon the occurrence of a second triggering event, 4) after collection of a predetermined number of at least one type of non-monetary credits during the first game, or 5) after collection of non-monetary credits during a set time period... (underlining added)

The above section does not disclose the block wagering concept -- a single wager purchasing a series of plays of a basic game -- which is so fundamental to the applicant’s invention. In Yoseloff, the player must place a wager for each play of the so-called “first game.” Upon the occurrence of a triggering event, Yoseloff awards a type of non-monetary credit at the conclusion of the first game, at the conclusion of a number of first games, upon the occurrence of a second triggering event, etc. Thus, although Yoseloff may award a type of non-monetary credit at the conclusion of a number of first games, Yoseloff still requires the player to place a wager for each play of the first game. Nowhere does Yoseloff disclose or suggest a block wagering concept wherein a player can play a series of first games in response to a single wager. This block wagering concept comes from the applicant, not Yoseloff. Any conclusion to the contrary

is based on a misinterpretation of Yoseloff and/or improper hindsight using the applicant's own teachings.

It would not have been obvious to an ordinary artisan to modify Yoseloff to include the applicant's block wagering invention. As noted above, gaming machines with accumulation-type games suffer from such shortcomings as pressure from vulturing bystanders hovering around those machines in a more attractive state of accumulation. The applicant and Yoseloff address the vulturing problem differently. On the one hand, the applicant's block wagering invention addresses the vulturing problem by accumulating one or more elements over a plurality of plays in a purchased series. The accumulation feature can then easily be reset to include no accumulated elements prior to each purchased series of plays. On the other hand, Yoseloff addresses the vulturing problem by (i) expiring the accumulated credits after an extended period of time (to prevent players from 'shopping' for machines with larger credit amounts) (*see* col. 9:32-26); (ii) tying the accumulated elements to a particular player's identification card so that any credits that player accumulates will be used in the play of the game and the bonus only with that particular player (*see* col. 9:36-39); or (iii) programming the gaming device "so that after brief periods of inactivity, the non-monetary credit meter can be reset to zero, in response to a new player playing the game" (*see* col. 11:10-12). Yoseloff never contemplates addressing the vulturing problem with the applicant's block wagering invention and, if Yoseloff had, Yoseloff would not have had to propose the various other techniques mentioned above.

Accordingly, the applicant respectfully submits that claims 1-18 and 25-42 are patentable over Yoseloff and Duhamel, taken separately or in combination, for the above reasons. The applicant further submits that the dependent claims are patentable for at least the following additional reasons referenced below.

Claims 4, 5, 15, 28, 29, and 39 require that "the accumulated element is a position on a trail, ladder, or meter." The present application illustrates this feature with a ladder 70 in FIG. 4 and a trail at peripheral region 92 in FIG. 4. The Office Action relies upon Yoseloff, col. 12:7-12, as disclosing the claimed feature. Yoseloff, however, only discloses the accumulation of a credit amount. A position is not the same as a credit amount.

Claims 7 and 31 require that the "accumulated element is a collected object" and that a bonus is triggered "in response to collection of a predetermined number of the object during the

series of plays.” The present application illustrates this feature with a farmer head meter 82 in FIG. 4. In response to a FARMER symbol 81 appearing on the stopped reels during the basic game, a farmer head is added to the farmer head meter 82. When a predetermined number (e.g., five) of farmer heads have been accumulated in the meter 82, a bonus game is triggered. The Office Action relies upon Yoseloff, col. 7:41-64, col. 11:66-67 & col. 12:1-36, as disclosing the claimed bonus trigger feature. Yoseloff, however, only discloses:

The bonus round or bonus play may again be attained by any designed predetermined event. In this case, the bonus round is initiated by the appearance of three stock market building symbols 42, 44, 46 in any arrangement on the screen as shown in FIG. 3.

The applicant respectfully submits that this generic disclosure in Yoseloff is insufficient to teach or suggest the specific bonus trigger feature recited in claims 7 and 31.

b. Claims 19-24

Claims 19, 23, and 24 have been canceled. Claims 20 and 22 have been rewritten in independent form to include the substance of canceled claim 19.

Claims 20 and 21 require a wagering game including a pay table in which winning outcomes are directly associated with respective non-credit-based awards in the form of “a number of movements of a space identifier along a trail, the number of movements varying with different ones of the winning outcomes.” The present application illustrates such a pay table in FIG. 12. Instead of directly awarding credit amounts based on the ranking of a poker hand achieved in the basic video poker game as in conventional video poker, the pay table awards a combination of moves around a Monopoly board and credits for better hands:

HAND	AWARD
Jacks or Better	1 Move
Two Pair	1 Move
Three of a Kind	2 Moves
Straight	2 Moves
Flush	3 Moves
Full House	4 Moves
Four of a Kind	5 Moves + 25 Credits
Straight Flush	10 Moves + 50 Credits
Royal Flush	20 Moves + 1000 Credits

The Office Action relies upon Duhamel, FIGS. 2-9, col. 5:47-67, & col. 6:1-37, as disclosing a pay table in which winning outcomes are directly associated with respective non-

credit-based awards in the form of a number of movements of a space identifier along a trail. The applicant respectfully disagrees. The matrix 110 in FIGS. 2-9 of Duhamel cannot fairly be construed as a trail along which a space identifier moves a varying number of spaces defined by a pay table. Rather, the matrix 110 merely tracks or traces “credit and no-credit events” that have occurred in prior plays of a blackjack or poker game. *See* col. 2:58-60. In response to a credit event, the first column of the matrix 110 is filled in with a winning symbol (e.g., “*”). In response to a no-credit event, the first column of the matrix 110 is filled in with a losing symbol (e.g., “-”). The symbols shift to the right with subsequent credit and no-credit events. The matrix 110 is in effect a pay table that lets a player know what prizes can be won based on the prior accumulation of credit and no-credit events. Because the matrix 110 is not a trail as claimed, the applicant respectfully submits that the rejection of claims 20 and 21 should be withdrawn.

Claim 22 requires a wagering game including a pay table in which winning outcomes are directly associated with respective non-credit-based awards in the form of “a number of free plays of the game, the number of free plays varying with different ones of the winning outcomes.” The Office Action relies upon Yoseloff, col. 8:10-15, as disclosing this claimed feature. Upon close examination, however, Yoseloff says nothing whatsoever about a pay table in which winning outcomes are associated with a number of free plays. For example, the cited section of Yoseloff discloses the following:

...Accruing non-monetary credits: a) where the non-monetary credits are converted to game/token credits in an event that occurs within the gaming apparatus. This is opposed to certain old style games where tickets or ticket credits are accumulated and a cashier awards the tickets.

The above section does not disclose or suggest the invention recited in claim 22. Accordingly, the applicant respectfully submits that the rejection of claim 22 should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the application is in a condition for allowance and action toward that end is respectfully requested. If there are any matters that can be resolved through an interview, the examiner is invited to contact the applicant’s representative at the telephone number provided below.

The Commissioner is hereby authorized to charge any fees that may be due, except for the issue fee, to Deposit Account No.502596 (47079-00127).

Respectfully submitted,

7/8/03

By Michael Blankstein

Michael J. Blankstein

Reg. No. 37,097

WMS Gaming Inc.

3401 N. California Ave.

Chicago, IL 60618

773/961-1480 (tel)

773/961-1237 (fax)